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**BY FACSIMILE (212) 805-7912**

Honorable John G. Koeltl  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007-1312

**Re: Behringer v. Lavelle School For The Blind and Frank Simpson  
Civil Action No. 08-4899 (JGK-THK)**

Dear Judge Koeltl:

We represent the Plaintiff in the above matter.

Plaintiff respectfully requests a two business day extension of time in which to file Plaintiff's opposition papers to Defendants' motion for summary judgment. We require this time because a Southern District trial that we are preparing for has been reassigned to a visiting district judge, who moved up the trial date from June 14 to 7, 2010, with pre-trial papers due this week. This will require a substantial amount of time that we had intended to devote this week to motion papers. Today we appeared in the Southern District for a scheduled trial in another matter and are now preparing papers in that matter. We have a deposition scheduled for May 24, 2010 and we have another S.D.N.Y. matter in which opposition motion papers are due May 24.

If the Court grants this request, the revised briefing schedule for completion of motion papers would be: (1) May 25, 2010: Deadline for Plaintiff's opposition papers; and (2) June 8, 2010: Deadline for Defendants' reply papers (which extends Defendants' time by four days, commensurate with Plaintiff's requested extension of time).

On April 12, 2010, Defendants filed a request seeking a one-week extension of time for their motion papers. Plaintiff did not oppose that request and the Court granted that request. Accordingly, this is the second request for an extension of the briefing schedule.

Finally, Plaintiff's brief and related papers will be filed electronically. However, we believe that the supporting exhibits, which are voluminous, will exceed the capacity for electronic filing. We respectfully request permission to file Plaintiff's exhibits in hard copy. We will of course file the opposition papers (except for exhibits) electronically and provide courtesy copies of all opposition papers to Your Honor.

Thank you for Your Honor's attention to this matter.

Respectfully submitted,

*Kenneth A. Goldberg*  
Kenneth A. Goldberg

cc: Jean Park, Esq., by facsimile (212) 808-7897

*Application granted.  
Courtesy copies should be filed  
by the movant when the motion  
is fully briefed. So ordered.  
5/17/10 JPB/Koeltl U.S.D.S.*